THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4153 OF 2006

Dated: 03-03-2006

Between

Smt. Veduruparti Rajyalaxmi,

W/o. Venakteswara Rao,

R/o. Governorpet, Vijayawada,

Krishna District and others.

...PETITIONERS

AND

Government of Andhra Pradesh,

Rep. by its Secretary, Municipal

Administration and Urban Development,

Secretariat Buildings, Hyderabad and

another.

...RESPONDENTS

ORDER:

This writ petition is filed seeking Writ of Mandamus to declare the action of the respondents in demolishing the structures belonging to the petitioners covered by D.Nos.27-37-63, 27-37-52 and 30-23-333 situated in Bandar Road, Governorpet, Vijayawada, Krishna District without prior notice calling for objections and without acquiring and paying compensation as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the owners of aforementioned premises and they have let out the said buildings to some tenants and they are discharging the debts and sustaining their families with the rents derived from the said buildings. While so, the second respondent officials have taken up the road widening programme and propose to take over 80 feet from the middle of the road towards their buildings; marking only 50 feet towards the other side of the road and is attempting to dispossess the petitioners without giving any notice and without paying any compensation. Learned counsel for the petitioners further submits that the petitioners are not at all against the road-widening programme of the respondent and they have no objection for the said programme if their lands are acquired and if proper compensation is paid.

The only grievance of the petitioners is that the respondents without issuing any notices, without paying any compensation for their structures or the lands and without following due process of law,
are attempting to dispossess them from the land for the purpose of road-widening.

The learned counsel for the petitioners further submits that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporations Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondent not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case,
this writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the petitioners and not to dispossess them without following due process of law either under Section 146 or 147 of the Act or by private negotiations or by initiating the proceedings under the Land Acquisition Act, 1894. No costs.

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V. ESWARAIAH, J

March 3, 2006

Note: Furnish C.C. of the order by 06.03.2006

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DSK